

# TINA Waivers

***New Law and Reducing  
Cost Data***



***Eleanor Spector  
Vice President,  
Contracts***

# New Law for TINA Waivers



*Section 817, FY 2003 National Defense Authorization Act*

- **HCA may grant a waiver if:**
  - *Property or services cannot reasonably be obtained without grant of a waiver (new criterion), and*
  - *The price can be determined to be fair and reasonable without the submission of certified cost or pricing data (the old criterion in FAR 15-403-1(c)(4)), and*
  - *There are demonstrated benefits to granting the waiver (new criterion).*
- **Imposes an annual Congressional reporting requirement on all TINA waivers over \$15M including an identification of the steps to insure price reasonableness**

# Reducing Unnecessary Cost Data Requirements Still Possible



- ***Use the flexibility in FAR 15-408 to specify a format for cost data submission other than Table 15-2.***
- ***Use parametric estimating systems and agreed upon cost models.***
- ***Recognize price competitions on FMS sales.***
- ***Eliminate voluminous cost data requirements for competitions - use internal government estimate as a reasonableness check for source selection comparisons.***
- ***TINA waiver for part of the proposal***